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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/799,727      | 03/15/2004  | Rakesh Bakshi        | 29250-001080/US     | 2065             |

7590 02/08/2007  
HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 8910  
Reston, VA 20195

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| EXAMINER |
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GONZALEZ, AMANCIO

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2617

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 02/08/2007 | PAPER         |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/799,727 | Applicant(s)<br>BAKSHI ET AL. |  |
|                              | Examiner<br>Amancio Gonzalez  | Art Unit<br>2617              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/15/04.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-16 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 15 and 16 are objected to because of the following informalities: said claims seem to refer to or to depend on claim 14, but fail to express it so, being written as if they depended on their selves. For purpose of examination, they will be considered as depending on claim 14, as interpreted by the Examiner.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar et al. (US Pat 6871066), hereafter "Khullar," in view of Malladi et al. (US PGPub 20030210668), hereafter "Malladi."

Consider claim 1, Khullar discloses a method for link quality control in a wireless communications network **(see Khullar: col. 4 lines 11-47)**. Khullar discloses implementing a control action to help prevent at least one of fading or signal cutoff between the mobile unit and at least one of the base stations **(action to protect against fading is taken –see Khullar: col. 9 lines 18-22)**.

Khullar discloses link quality control, but does not particularly refer to determining whether an indicator of link imbalance exists among a plurality of base stations associated with a mobile unit. Malladi discloses an indicator of link imbalance among a plurality of base stations associated with a mobile unit **(see Malladi: Abstract; pars. 0010, 0100)**.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Khullar and have it include a link imbalance indicator, as taught by Malladi, thereby mitigating deleterious effects due to link imbalance in a wireless communication system.

Consider claim 2, Khullar, as modified by Malladi, teaches claim 1 above; and Malladi further discloses receiving base station information regarding the mobile unit **(see Malladi: Abstract; pars 0005, 0007, 0009, 0010)**.

Consider claims 3, 4, 5, and 6, Khullar, as modified by Malladi, teaches claim 1 above; and Malladi further discloses link power control based on comparison of threshold values **(see Malladi: Abstract; pars. 0009-0011, 0062, 0063 figs. 1, 4)**.

5. Claims 7, 8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar et al. (US Pat 6871066), hereafter "Khullar," in view of Malladi et al. (US PGPub 20030210668), hereafter "Malladi," as applied to claim 1 above, further in view of Saito (US PGPub 20020086709), hereafter "Saito".

Consider claims 7, 8, 10, and 12, Khullar, as modified by Malladi, teaches claim 1 above, but does not particularly refer to raising a minimum gain in base stations. Saito discloses raising a minimum gain in base stations (see Saito: par. 0064). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Khullar and Malladi, and have it include raising a minimum gain in base stations, as taught by Saito, thus increasing the transmission power of base stations when required to mitigate link imbalance in a wireless communication system.

6. Claims 9, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar et al. (US Pat 6871066), hereafter "Khullar," in view of Malladi et al. (US PGPub 20030210668), hereafter "Malladi," as applied to claim 1 above, further in view of Tiedemann et al. (US PGPaub 20040258024), hereafter "Tiedemann".

Consider claim 9, Khullar, as modified by Malladi, teaches claim 1 above, but does not particularly refer to sending reverse power control bits associated with strongest reverse link. Tiedemann discloses sending reverse power control bits associated with strongest reverse link (see Tiedemann: Abstract; pars. 0100, 0101). It would have been obvious to a person of ordinary skill in the art at the time the invention

was made to modify the invention of Khullar and Malladi, and have it include sending reverse power control bits associated with strongest reverse link, as taught by Tiedemann, thus controlling forward link power in a wireless communication system.

Consider claims 11 and 13, Khullar, as modified by Malladi, teaches claim 1 above, but does not specifically mention adjusting base station gain. Tiedemann discloses adjusting base station gain (see Tiedemann: Abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Khullar and Malladi, and have it include adjusting base station gain, as taught by Tiedemann, thus controlling forward link power in a wireless communication system.

7. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar et al. (US Pat 6871066), hereafter "Khullar," in view of Malladi et al. (US PGPub 20030210668), hereafter "Malladi," as applied to claim 1 above, further in view of Kikuma (US Pat 7035670), hereafter "Kikuma".

Consider claims 14-16, Khullar, as modified by Malladi, teaches claim 1 above, but does not specifically refer to end time of a control section. Kikuma discloses the end time of a control section (see Kikuma: col. 23 lines 50-67; col. 24 lines 1-14). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Khullar and Malladi, and have it disclose the end time of a control section, as taught by Kikuma, thus timewise controlling the changing over to a different frequency –handoff- in a wireless communication system.

***Conclusion***

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Amancio González*  
AG/ag

January 31, 2007

EDAN ORGAD  
PRIMARY PATENT EXAMINER

*Edan Orgad* 2/4/07